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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,148	03/25/2004	John W. Stephens	11694/04339	7391

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EXAMINER

HOPKINS, ROBERT A

ART UNIT PAPER NUMBER

1724

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/809,148

Applicant(s)

STEPHENS ET AL.

Examiner

Robert A. Hopkins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 8-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8,9 and 15-17 is/are rejected.
- 7) ☒ Claim(s) 10-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6-24-04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8 and 9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Carl et al(5755246).

Carl et al teaches a method of expanding the size of a first spray booth(10) in at least one dimension, to form a second spray booth sized larger than the first spray booth, the first spray booth having one or more ceiling panels(26) and two or more wall panels(28), the method comprising adding one or more new ceiling panels to the first spray booth, and adding one or more new wall panels to the first spray booth(column 6 lines 35-38). Carl et al further teaches adding one or more floor panels(100) to the first spray booth.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8,9, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marino(3942420) taken together with Carl et al(5755246).

Marino teaches a spray booth having wall panels(92) and ceiling panels(78). Marino is silent as to a method of expanding the size of a first spray booth in at least one dimension, to form a second spray booth sized larger than the first spray booth, the first spray booth having one or more ceiling panels and two or more wall panels, the method comprising adding one or more new ceiling panels to the first spray booth, and adding one or more new wall panels to the first spray booth. Carl et al teaches a method of expanding the size of a first spray booth(10) in at least one dimension, to form a second spray booth sized larger than the first spray booth, the first spray booth having one or more ceiling panels(26) and two or more wall panels(28), the method comprising adding one or more new ceiling panels to the first spray booth, and adding one or more new wall panels to the first spray booth(column 6 lines 35-38). It would have been obvious to someone of ordinary skill in the art at the time of the invention to expand the size of the spray booth of Marino in order to provide a spray booth having sufficient length to meet the needs of a users customized spraying processes(column 6 lines 37-38 of Carl et al).

Carl et al further teaches adding one or more floor panels to a spray booth. Marino further teaches wherein the wall panels have a powder application aperture, and wherein the aperture is either rectangular or an elongated slot.

***Allowable Subject Matter***

Claims 10-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 10 recites "wherein the first spray booth has a wheel assembly, further comprising using the wheel assembly to move the booth away from an article conveyor line to perform at least one of the method steps". Neither Carl et al nor Marino teach a first spray booth having a wheel assembly. It would not have been obvious to someone of ordinary skill in the art at the time of the invention to provide a first spray booth having a wheel assembly, further comprising using the wheel assembly to move the booth away from an article conveyor line to perform at least one of the method steps because neither Carl et al nor Marino suggest such a modification.

Claim 11 recites "wherein the first spray booth has a wheel assembly including a first center tube, further comprising replacing the first center tube with a second center tube, the second center tube being longer than the first center tube". Neither Carl et al nor Marino teach a first spray booth having a wheel assembly. It would not have been obvious to someone of ordinary skill in the art at the time of the invention to provide a first spray booth having a wheel assembly including a first center tube, further comprising replacing the first center tube with a second center tube, the second center tube being longer than the first center tube because neither Carl et al nor Marino suggest such a modification.

Claim 12 recites "wherein the first spray booth has a bracket supporting a powder supply canister, further comprising not replacing the bracket or the powder supply canister when expanding the size of the first spray booth". Neither Carl et al nor Marino teach a first spray booth having a bracket supporting a powder supply canister. It would not have been obvious to someone of ordinary skill in the art at the time of the invention

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to provide a first spray booth having a bracket supporting a powder supply canister, further comprising not replacing the bracket or the powder supply canister when expanding the size of the first spray booth because neither Carl et al nor Marino suggest such a modification.

Claim 13 recites "wherein the first spray booth has a first bracket supporting a first powder supply canister, further comprising replacing the first powder supply canister with a second powder supply canister". Neither Carl et al nor Marino teach a first spray booth having a bracket supporting a first powder supply canister. It would not have been obvious to someone of ordinary skill in the art at the time of the invention to provide a first spray booth having a bracket supporting a first powder supply canister, further comprising replacing the first powder supply canister with a second powder supply canister because neither Carl et al nor Marino suggest such a modification.

Claim 14 depends on claim 13 and hence would also be allowable upon incorporation of claim 13 into claim 8.

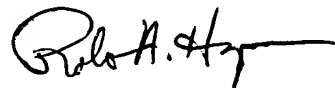
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A. Hopkins whose telephone number is 571-272-1159. The examiner can normally be reached on Monday-Friday, 7am-4pm, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**ROBERT A. HOPKINS**  
**PRIMARY EXAMINER**

*A.U. 1724*